

PATENT  
Docket No.: 19603/2760 (CRF D-2404)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|            |   |                                  |   |                 |
|------------|---|----------------------------------|---|-----------------|
| Applicants | : | Wu et al.                        | ) | Examiner:       |
|            |   |                                  | ) | Cynthia Collins |
| Serial No. | : | 09/350,393                       | ) |                 |
|            |   |                                  | ) | Art Unit:       |
| Cnfrm. No. | : | 7999                             | ) | 1638            |
|            |   |                                  | ) |                 |
| Filed      | : | July 9, 1999                     | ) |                 |
|            |   |                                  | ) |                 |
| For        | : | METHOD OF MAKING WATER STRESS OR | ) |                 |
|            |   | SALT STRESS TOLERANT TRANSGENIC  | ) |                 |
|            |   | CEREAL PLANTS                    | ) |                 |

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**AMENDMENT UNDER 37 C.F.R. § 1.116**

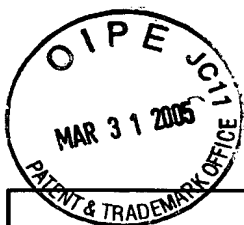
**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the February 10, 2005, office action, please amend the above-identified patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

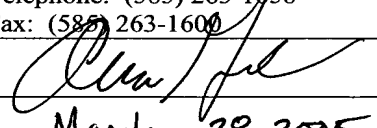
**Remarks** begin on page 5 of this paper.




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|-------------------------------------------------------------------------------------|---|------------------------|-------------------------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) |   | Application Number     | 09/350,393              |
|                                                                                     |   | Filing Date            | July 9, 1999            |
|                                                                                     |   | First Named Inventor   | Ray J. Wu               |
|                                                                                     |   | Group Art Unit         | 1638                    |
|                                                                                     |   | Examiner Name          | C. Collins              |
| Total Number of Pages in This Submission                                            | 6 | Attorney Docket Number | 19603/2760 (CRF D-2404) |

| ENCLOSURES (check all that apply)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply (\$_____)<br><input checked="" type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request (\$_____)<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement (\$_____)<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Notice to File Missing Parts/ Incomplete Application (\$_____)<br><input type="checkbox"/> A copy of the Notice to File Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Declaration and Power of Attorney<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition (\$_____)<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer (\$_____)<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (\$_____) (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Application Data Sheet<br><input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures<br><input checked="" type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt<br><input type="checkbox"/> Check in the amount of \$_____<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                                                                                                                                                        |
|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Firm or Individual name                    | Andrew K. Gonsalves, Esq.<br>Nixon Peabody LLP<br>Clinton Square, P.O. Box 31051<br>Rochester, New York 14603-1051<br>Telephone: (585) 263-1658<br>Fax: (585) 263-1600 |
| Signature                                  |  Registration No. 48,145                                                            |
| Date                                       | March 28, 2005                                                                                                                                                         |

| CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]                                                                                                                                                                                                                 |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| I hereby certify that this correspondence is being:                                                                                                                                                                                                                    |                       |
| <input checked="" type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 |                       |
| <input type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____                                                                                                                              |                       |
| Date                                                                                                                                                                                                                                                                   | <u>March 28, 2005</u> |
|                                                                                                                                                                                    |                       |
| Signature<br>Jo Ann Whalen<br>Typed or printed name                                                                                                                                                                                                                    |                       |